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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,701	03/04/2004	Archer C.C. Chen	CHEN406	5099

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT PAPER NUMBER

3711

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,701

Applicant(s)

CHEN, ARCHER C.C.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

This Office action is responsive to communication received 03/04/2004 – application papers filed.

Claims 1-11 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lu. As to claim 1, note Figures 4 and 5 wherein Lu shows a housing with a front portion having a face disposed on one side thereon, a toe, a heel, a neck, a crown and an interior chamber. Note elastic reinforced supporting member (108). The supporting member appears to be bonded to the front portion and to the sole.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundberg. As to claims 1 and 2, reference is made to Figures 1 and 2 showing a housing having a front portion (18) on which a face (20) is disposed, a crown (32), toe (11), heel (13), neck (12) and an interior chamber. Note reinforced elastic supporting

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member (38) extending from a crown surface adjacent the face to a sole portion adjacent the rear. As to claim 3, the supporting member is an elongated structure, as shown in Figure 2.

Claims 1-3 and 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Beach. Reference is made to Figure 4 and col. 5, lines 25-50, wherein Beach shows a housing including a crown (56), toe, heel, face portion, rear portion and a chamber within the housing. Note reinforced supporting member (52A). As to claim 2, Figure 4 would appear to show that the support member is attached to the crown adjacent the front face and to the sole proximate the rear. At the rear end, the supporting member is "attached" to the sole via the mount adjacent end (62) and weight block (54). As to claim 3, element (52A) is an elongated piece. As to claim 6, note a first bonding portion (60) and a second bonding portion adjacent numeral (62). As to claim 8, the supporting member (52A) may comprise titanium, steel or aluminum material (col. 8, lines 47-51). As to claim 9, Figures 2 and 4 clearly show two supporting members.

Claims 4, 5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach. The patent to Beach differs from the claimed invention in that Beach fails to show a specific hardness, a supporting member in the shape of an "X", a specific reference to welding of the supporting member to the bonding portion and plural parallel oriented supporting members. Note col. 5, lines 25-60 along with col. 6, lines 34-54 and col. 7, lines 17-34, wherein Beach suggests that the arrangement of the supporting members may be varied in order to selectively absorb and distribute the load

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throughout the skeletal structure and to help impart maximum energy to a struck ball.

Thus, the skilled artisan would have found it obvious to shape the arrangement of the supporting members into the shape of an "X" in order to, for instance, distribute the load towards the outer periphery of the housing. Beach does acknowledge that welding is

As for the specific hardness value, note that Beach, along with the applicant

[SPECIFICATION, page 3, lines 15-17] indicates that steel may be used in the

construction of the supporting members. Though not all steel materials exhibit the

same hardness value, the skilled artisan would have found it obvious to select a suitable material based upon the characteristics of a specific known steel material. It is

recognized here that the applicant has not invented the claimed material with a

hardness greater than HRC 35, but has merely made use of the qualities of an available material with this hardness. As to claim 7, note col. 8, line 52 through col. 9, line 17 and

Figure 19, wherein Beach makes use of welding to provide a long lasting integrated support structure.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figure 2 in Werner. Note flexible spring support (12) in Fagot. Nagamoto and Cook show stiffening members, of interest. See element (34) in Boone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
February 17, 2005